

170

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :

Denis Martin et al.

Group Art Unit: Unassigned

Serial No.: Unassigned

Examiner: Unassigned

Filed: February 21, 2002

For: STREPTOCOCCUS PYOGENES POLYPEPTIDES AND CORRESPONDING DNA
FRAGMENTS

PRELIMINARY AMENDMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Prior to initial examination, please amend the above-identified application as follows:

IN THE SPECIFICATION:

At page 1, after the title, insert the following paragraph:

-- This application claims the benefit of U.S. Provisional Application 60/269,840 filed
February 21, 2001, the disclosure of which is hereby incorporated by reference in its entirety. --

IN THE CLAIMS:

Please amend the claims as follows:

21. A pharmaceutical composition comprising a polypeptide according to claim
17 and a pharmaceutically acceptable carrier, diluent or adjuvant.

26. A method for diagnostic of streptococcal infection in a host susceptible to
streptococcal infection comprising
 - (a) obtaining a biological sample from a host;

- (b) incubating an antibody or fragment thereof reactive with a streptococcal polypeptide of claim 17 with the biological sample to form a mixture; and
- (c) detecting specifically bound antibody or bound fragment in the mixture which indicates the presence of streptococcal.

27. A method for detection of antibody specific to streptococcus antigen in a biological sample comprising

- (a) obtaining a biological sample from a host;
- (b) incubating one or more streptococcal polypeptides of claim 17 or

fragments thereof with the biological sample to form a mixture; and

- (c) detecting specifically bound antigen or bound fragment in the mixture which indicates the presence of antibody specific to streptococcus.

28. A method of preparing a pharmaceutical composition for the prophylactic or therapeutic treatment of streptococcal infection comprising combining a polypeptide according to claim 17 with a pharmaceutically acceptable carrier, diluent or adjuvant.

29. A kit for detection or diagnosis of streptococcal infection comprising a polypeptide according to claim 17 , and instructions for use of the polypeptide in the detection or diagnosis of streptococcal infection.

Please add the following new claims:

--30. A pharmaceutical composition comprising a polypeptide according to claim 18 and a pharmaceutically acceptable carrier, diluent or adjuvant.

31. A method for diagnostic of streptococcal infection in a host susceptible to streptococcal infection comprising

- (d) obtaining a biological sample from a host;
- (e) incubating an antibody or fragment thereof reactive with a streptococcal polypeptide of claim 18 with the biological sample to form a mixture; and
- (f) detecting specifically bound antibody or bound fragment in the

mixture which indicates the presence of streptococcal.

32. A method for detection of antibody specific to streptococcus antigen in a biological sample comprising

- (a) obtaining a biological sample from a host;
- (b) incubating one or more streptococcal polypeptides of claim 18 or fragments thereof with the biological sample to form a mixture; and
- (c) detecting specifically bound antigen or bound fragment in the mixture which indicates the presence of antibody specific to streptococcus.

33. A method of preparing a pharmaceutical composition for the prophylactic or therapeutic treatment of streptococcal infection comprising combining a polypeptide according to claim 18 with a pharmaceutically acceptable carrier, diluent or adjuvant .

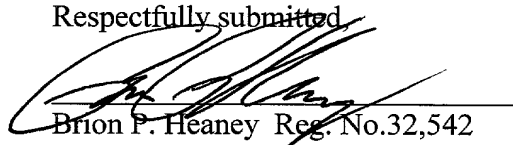
34. A kit for detection or diagnosis of streptococcal infection comprising a polypeptide according to claim 18, and instructions for use of the polypeptide in the detection or diagnosis of streptococcal infection.--

REMARKS

The above amendments merely eliminate multiple dependent claims and revise claim language to be in accordance with conventional US practice. A version with markings to show changes made is attached.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,


Brion P. Heaney Reg. No. 32,542
Attorney/Agent for Applicant(s)

MILLEN, WHITE, ZELANO
& BRANIGAN, P.C.
Arlington Courthouse Plaza 1, Suite 1400
2200 Clarendon Boulevard
Arlington, Virginia 22201
Telephone: (703) 243-6333
Facsimile: (703) 243-6410

Attorney Docket No.: PHARMA-18

Date: February 21, 2002

VERSION WITH MARKINGS TO SHOW CHANGES MADE

21. A pharmaceutical composition comprising a polypeptide according to claim 17 ~~any one of claims 17 to 20~~ and a pharmaceutically acceptable carrier, diluent or adjuvant.
26. A method for diagnostic of streptococcal infection in a host susceptible to streptococcal infection comprising
- (g) obtaining a biological sample from a host;
 - (h) incubating an antibody or fragment thereof reactive with a streptococcal polypeptide of claim 17 ~~any of the claims 17 to 20~~ with the biological sample to form a mixture; and
 - (i) detecting specifically bound antibody or bound fragment in the mixture which indicates the presence of streptococcal.
27. A method for detection of antibody specific to streptococcus antigen in a biological sample comprising
- (a) obtaining a biological sample from a host;
 - (b) incubating one or more streptococcal polypeptides of claim 17 ~~any of the claims 17 to 20~~ or fragments thereof with the biological sample to form a mixture; and
 - (c) detecting specifically bound antigen or bound fragment in the mixture which indicates the presence of antibody specific to streptococcus.
28. A method of preparing a Use of pharmaceutical composition in the manufacture of a medicament for the prophylactic or therapeutic treatment of streptococcal infection comprising combining a polypeptide according to claim 17 with a pharmaceutically acceptable carrier, diluent or adjuvant .
29. A kit ~~Kit comprising a polypeptide according to any one of claims 17 to 20~~ for detection or diagnosis of streptococcal infection comprising a polypeptide

according to claim 17 ~~any one of claims 17 to 20~~, and instructions for use of the polypeptide in the detection or diagnosis of streptococcal infection.--